

THORPE SHWER, P.C.

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MESSNER REEVES LLP

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Attorneys for Defendants**UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

DE'MARKUS ANTOINE WILLIAMS,

Plaintiff,

v.

BOBBY DEWAYNE HENDRIX, an
individual; J.B. HUNT TRANSPORT,
INC., a foreign corporation; DOES I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

CASE NO.:

**DEFENDANTS' NOTICE OF REMOVAL OF
ACTION TO UNITED STATES DISTRICT
COURT UNDER 28 USC § 1441(a)**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Bobby Dewayne Hendrix ("**Hendrix**") and J.B. Hunt Transport, Inc. ("**J.B. Hunt**," with Hendrix, the "**Defendants**") hereby file this Notice of Removal (the "**Notice**"). In support of its Notice, Defendants state as follows:

1. On June 25, 2018, Plaintiff commenced an action in the Eighth Judicial District Court, Clark County, State of Nevada entitled *De'Markus Antoine Williams v. Bobby Dewayne Hendrix, et. al.*, bearing Case No. A-18-776635-C.

THORPE SHWER, P.C.

2. Defendant J.B. Hunt was served with the Summons and Complaint on June 28, 2018 through its registered agent, CSC (Corporations Service Company). Defendant Hendrix accepted service of the Complaint on July 18, 2018.

3. This Notice is filed in the United States District Court for the District of Nevada within the time allowed by law for removal of actions to federal court. *See* 28 U.S.C. 1446(b).

4. The United States District Court for the District of Nevada is the district and division embracing the place where the state court action is pending. *See* 28 U.S.C. § 1441(a).

5. A copy of this Notice will be promptly served on counsel for Plaintiff and filed with the Clerk of the Eighth Judicial District Court, Clark County, State of Nevada. *See* 28 U.S.C. § 1446(d).

6. Undersigned counsel verifies that the documents attached hereto as **Exhibit “A”** are true and complete copies of all pleadings and other documents filed in the state court proceeding. These pleadings include the Summons(es), Complaint, and Initial Appearance Fee Disclosure. *See* 28 U.S.C. § 1446(a).

7. There are no pending motions in the state court proceeding.

8. This action may be removed under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity between the parties and the amount in controversy exceeds \$75,000.

9. Defendant J.B. Hunt is a Georgia corporation, with its principal place of business in Lowell, Arkansas. As such, J.B. Hunt is a citizen and/or resident of the states of Georgia and Arkansas. J.B. Hunt is not a citizen and/or resident of Nevada.

10. Upon information and belief, Defendant Hendrix is a citizen and resident of San Bernardino County, California.

11. Upon information and belief, Plaintiff is a citizen and resident of Clark County, Nevada. Exhibit A, Complaint at ¶ 1.

12. Plaintiff does not demand a specific amount of damages in his Complaint. However, Plaintiff alleges that his damages exceed \$50,000. *See* Complaint at pg. 1. Plaintiff is seeking damages for medical expenses which, based upon pre-litigation representations, exceed \$56,000. Additionally,

1 Plaintiff is seeking damages for “loss of earning capacity, lost wages, physical impairment, mental
2 anguish, and loss of enjoyment of life, in a presently unascertainable amount.” *Id.* at ¶12. Given these
3 allegations, the amount in controversy in this matter exceed \$75,000.

4 WHEREFORE, Defendants respectfully request that this action proceed in this Court as an
5 action properly removed to it.

6 DATED this 18th day of July, 2018.

7 THORPE SHWER, P.C.

8
9 By /s/ William L. Thorpe

William L. Thorpe
Adam T. Reich

11 AND
12 MESSNER AND REEVES LLP

13 By /s/ Renee Finch

14 Renee Finch

15 **Attorneys for Defendants**
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MESSNER REEVES LLP, and that on this 18th day of July, 2018, I served and filed a true and correct copy of the foregoing **DEFENDANTS' NOTICE OF REMOVAL OF ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** to all parties by the Court's electronic service system.

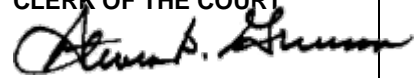
Joseph A. Gutierrez, Esq.
Steven G. Knauss, Esq.
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff

/s/ Bonnie O'Laughlin
An Employee of MESSNER REEVES LLP

THORPE SHWER, P.C.

EXHIBIT A

EXHIBIT A



COMJD

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

STEVEN G. KNAUSS, ESQ.

Nevada Bar No. 12242

MAIER GUTIERREZ & ASSOCIATES

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sgk@mgalaw.com

Attorneys for Plaintiff De'Markus Antoine Williams

DISTRICT COURT

CLARK COUNTY, NEVADA

DE'MARKUS ANTOINE WILLIAMS, an
individual,

Plaintiff,

vs.

BOBBY DEWAYNE HENDRIX, an individual;
J.B. HUNT TRANSPORT, INC., a foreign
corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-18-776635-C

Dept. No.: Department 13

COMPLAINT

DEMAND FOR JURY TRIAL

Arbitration Exemption:

1. Damages in Excess of \$50,000

Plaintiff DE'MARKUS ANTOINE WILLIAMS, by and through his attorneys of record, the law firm MAIER GUTIERREZ & ASSOCIATES, hereby demands a trial by jury and complains and alleges against defendants as follows:

GENERAL ALLEGATIONS

1. Plaintiff DE'MARKUS ANTOINE WILLIAMS is, and at all times pertinent hereto was, a resident of Clark County, Nevada.

2. Upon information and belief, defendant BOBBY DEWAYNE HENDRIX is, and at all times pertinent hereto was, a resident of San Bernardino County, California.

3. Upon information and belief, defendant J.B. HUNT TRANSPORT, INC., is, and at all

1 times pertinent hereto was, a foreign limited-liability company licensed to conduct business in Clark
2 County, Nevada.

3 4. The true names and capacities, whether individual, corporate, associate, partnership or
4 otherwise, of the defendants herein designated as DOES I through X and ROE CORPORATIONS I
5 through X, inclusive, are unknown to plaintiff, who therefore sues said defendants by such fictitious
6 names. Plaintiff will seek leave of the Court to insert the true names and capacities of such defendants
7 when the same have been ascertained and will further seek leave to join said defendants in these
8 proceedings.

9 5. That all times pertinent hereto, defendants were agents, servants, employees or joint
10 ventures of every other defendant herein, and at all times mentioned herein were acting within in the
11 scope and course of said agency, employment, or joint venture, with knowledge and permission and
12 consent of all other named defendants.

13 6. Plaintiff DE'MARKUS ANTOINE WILLIAMS is, and at all times mentioned herein
14 was the operator of a 2011 Hyundai Sonata.

15 7. Defendant J.B. HUNT TRANSPORT, INC., is, and at all times mentioned herein was
16 the owner of a 2016 FRTL Semi-tractor.

17 8. Defendant BOBBY DEWAYNE HENDRIX was acting in the course and scope of his
18 employment with J.B. HUNT TRANSPORT, INC., at the time of the collision when he was operating
19 the 2016 FRTL Semi-tractor.

20 9. On or about November 22, 2016, in Clark County, Nevada, defendant BOBBY
21 DEWAYNE HENDRIX failed to use due care on the roadway, and struck the vehicle of plaintiff
22 DE'MARKUS ANTOINE WILLIAMS.

23 10. As a direct and proximate result of the negligence of defendants, and each of them,
24 plaintiff sustained personal injuries, all or some of which conditions may be permanent and disabling,
25 and all to plaintiff's damage in a sum in excess of \$15,000.00.

26 11. As a direct and proximate result of the negligence of defendants, and each of them,
27 plaintiff received medical and other treatment for the aforementioned injuries, and that said services,
28 care, and treatment is continuing and shall continue in the future, all to the damage of plaintiff.

12. As a direct and proximate result of the negligence of defendants, and each of them, plaintiff has been required to, and has limited occupational and recreational activities, which have caused and shall continue to cause plaintiff loss of earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable amount.

13. As a direct and proximate result of the aforementioned negligence of defendants, and each of them, plaintiff has been required to engage the services of an attorney, incurring attorney's fees and costs to bring this action.

FIRST CLAIM FOR RELIEF

(NEGLIGENCE)

14. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs of the complaint as though fully set forth herein, and incorporate the same herein by reference.

15. Defendants, and each of them, owed a duty of care to plaintiff to operate a vehicle in a reasonable and safe manner.

16. Defendants, and each of them, breached that duty of care by striking plaintiff's vehicle on the roadway.

17. As a direct and proximate result of the negligence of defendants, and each of them, plaintiff sustained personal injuries, all or some of which conditions may be permanent and disabling, and all to plaintiff's damage in a sum in excess of \$15,000.00.

18. As a direct and proximate result of the negligence of defendants, and each of them, plaintiff received medical and other treatment for the aforementioned injuries, and that said services, care, and treatment is continuing and shall continue in the future, all to the damage of plaintiff.

19. As a direct and proximate result of the negligence of defendants, plaintiff has incurred property damage to her vehicle and damages for loss of use.

20. As a direct and proximate result of the negligence of defendants, and each of them, plaintiff has been required to, and has limited occupational and recreational activities, which have caused and shall continue to cause plaintiff loss of earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable amount.

21. As a direct and proximate result of the aforementioned negligence of defendants, and

1 each of them, plaintiff has been required to engage the services of an attorney, incurring attorney's
2 fees and costs to bring this action.

3 **SECOND CLAIM FOR RELIEF**

4 **(Negligent Training and Supervision)**

5 22. Plaintiff incorporates by reference each and every allegation previously made in this
6 Complaint, as if here fully set forth.

7 23. Defendants, and each of them, owed a duty of care to plaintiff to operate a vehicle in a
8 reasonable and safe manner.

9 24. Defendant J.B. HUNT TRANSPORT, INC., breached that duty by hiring an
10 employee(s) even though it knew, or should have known, of that employee's dangerous propensities
11 and propensity not to follow basic instructions or directions.

12 25. In the alternative, defendant J.B. HUNT TRANSPORT, INC., breached its duty by
13 failing to properly supervise and train that/those employee(s).

14 26. The breach of defendant J.B. HUNT TRANSPORT, INC., was the legal cause of
15 plaintiff's injuries.

16 27. As a direct and proximate result of the negligence of defendants, and each of them,
17 plaintiff sustained personal injuries, all or some of which conditions may be permanent and disabling,
18 and all to plaintiff's damage in a sum in excess of \$15,000.00.

19 28. As a direct and proximate result of the negligence of defendants, and each of them,
20 plaintiff has been required to, and has limited occupational and recreational activities, which have
21 caused and shall continue to cause plaintiff loss of earning capacity, lost wages, physical impairment,
22 mental anguish, and loss of enjoyment of life, in a presently unascertainable amount.

23 29. As a further direct and proximate result, plaintiff incurred expenses for medical care
24 and treatment and will incur expenses for medical care and treatment in the future in an amount to be
25 proven at trial.

26 30. That plaintiff has been required to engage the services of an attorney, incurring
27 attorney's fees and costs to bring this action.

28 ///

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as follows:

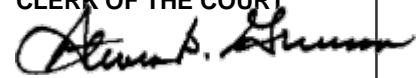
1. For a judgment in favor of plaintiff and against defendants, and each of them, on the complaint and all claims for relief asserted therein;
2. For an award of general and special damages in an amount in excess of \$15,000.00, to be proven at trial;
3. For an award of reasonable attorney's fees and costs incurred in this action; and
4. For such other and further relief as the Court may deem proper.

DATED this 21st day of June, 2018.

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES

/s/ Joseph A. Gutierrez
JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
STEVEN G. KNAUSS, ESQ.
Nevada Bar No. 12242
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff De'Markus Antoine Williams



SUMM

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

STEVEN G. KNAUSS, ESQ.

Nevada Bar No. 12242

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sgk@mgalaw.com

Attorneys for Plaintiff De'Markus Antoine Williams

DISTRICT COURT

CLARK COUNTY, NEVADA

DE'MARKUS ANTOINE WILLIAMS, an
individual,

Plaintiff,

vs.

BOBBY DEWAYNE HENDRIX, an individual;
J.B. HUNT TRANSPORT, INC., a foreign
corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-18-776635-C

Dept. No.: Department 13

SUMMONS - CIVIL

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ
THE INFORMATION BELOW.**

J.B. HUNT TRANSPORT, INC.

A civil complaint has been filed by the Plaintiff against you for the relief set forth in the
complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on
you, exclusive of the day of service, you must do the following:

- (a) File with the Clerk of the Court, whose address is shown below, a formal
written response to the Complaint in accordance with the rules of the Court,
with the appropriate filing fee.

(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiffs and failure to so respond will result in a judgment of default against you for the relief demanded in the complaint, which could result in the taking of money or property or other relief requested in the complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file and Answer or other responsive pleading to the complaint.

STEVEN D. GRIERSON
CLERK OF THE COURT

Deputy Clerk
Regional Justice Court
200 Lewis Avenue
Las Vegas, Nevada 89155

6/25/2018

Date

Joshua Raak

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES



JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
STEVEN G. KNAUSS, ESQ.
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8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff De'Markus Antoine Williams



PSE
MAIER GUTIERREZ & ASSOCIATES
8816 SPANISH RIDGE Ave.
LAS VEGAS, NV 89148
702-629-7900
Attorney for: Plaintiff

DISTRICT COURT
CLARK COUNTY NEVADA

DE'MARKUS ANTOINE WILLIAMS

Plaintiff

BOBBY DEWAYNE HENDRIX, ET AL.

Defendant

Case Number: **A-18-776635-C**

Dept/Div: **13**

PROOF OF SERVICE

MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Wednesday June 27 2018; 1 copy(ies) of the:

SUMMONS; CIVIL COVER SHEET; COMPLAINT

I served the same on Thursday June 28 2018 at 03:37PM by:

**Serving Defendant J.B. HUNT TRANSPORT, INC., A FOREIGN CORPORATION, BY
SERVING CSC SERVICES OF NEVADA, INC., REGISTERED AGENT**

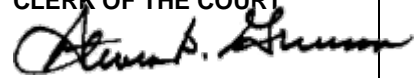
by serving: FRANCES GUTIERREZ, SERVICE LIAISON ON BEHALF OF CSC SERVICES OF NEVADA, INC., REGISTERED AGENT, PURSUANT TO NRS 14.020 at the Defendant's Business located at 2215-B RENAISSANCE DR, Las Vegas, NV 89119.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

Executed: Friday June 29 2018

Affiant: MARIE A SCHEIB #R-002901
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

Electronically Filed
6/25/2018 9:32 AM
Steven D. Grierson
CLERK OF THE COURT



IAFD

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

STEVEN G. KNAUSS, ESQ.

Nevada Bar No. 12242

MAIER GUTIERREZ & ASSOCIATES

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Attorneys for Plaintiff De'Markus Antoine Williams

DISTRICT COURT

CLARK COUNTY, NEVADA

DE'MARKUS ANTOINE WILLIAMS, an
individual,

Plaintiff,

vs.

BOBBY DEWAYNE HENDRIX, an individual;
J.B. HUNT TRANSPORT, INC., a foreign
corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: A-18-776635-C

Dept. No.: Department 13

**INITIAL APPEARANCE FEE
DISCLOSURE (NRS CHAPTER 19)**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for
parties appearing in the above-entitled action as indicated below:

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DE'MARKUS ANTOINE WILLIAMS \$270.00

TOTAL: \$270.00

DATED this 21st day of June, 2018.

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES

/s/ Joseph A. Gutierrez

JOSEPH A. GUTIERREZ, ESQ.

Nevada Bar No. 9046

STEVEN G. KNAUSS, ESQ.

Nevada Bar No. 12242

8816 Spanish Ridge Avenue

Las Vegas, Nevada 89148

Attorneys for Plaintiff De'Markus Antoine Williams